

Consular Affairs



Informational Letter - Status of Citizens of Palau

**TO WHOM IT MAY CONCERN
STATUS OF CITIZENS
OF THE FREELY ASSOCIATED STATE OF THE
REPUBLIC OF PALAU**

DISCLAIMER: This is an information letter to clarify questions concerning the status of citizens of the Republic of Palau vis-a-vis travel to the United States and entitlement to U.S. consular assistance abroad. This letter does not constitute proof that the bearer is a citizen of Palau and is not a substitute for a travel document.

APPLICABLE LAW: The Compact of Free Association Approval Act, P.L. 99-658 (Nov. 14, 1986); [Presidential Proclamation No. 6726, 59 Fed. Reg. 49777 (September 29, 1994), 48 U.S.C. 1681 note.]

CITIZENSHIP STATUS: Citizens of the Republic of Palau who were formerly citizens of the Trust Territory of the Pacific Islands are now Palau citizens.

TRAVEL OF PALAU CITIZENS TO THE U.S.: Citizens of the Republic of Palau (but not alien spouses or children) have unrestricted access to the United States to live, work, study and assume "habitual residence" with no U.S. visa requirement without regard to paragraphs (5), (7(a)) and (7(b)) of section 212(a) of the Immigration and Nationality Act. [INS hq wire 235-c, 212.1-p dtd 9/29/94.]

NATURALIZED CITIZENS OF PALAU: Note: In accordance with section 141(a)(3) of the Compact, the U.S. Immigration benefits of section 141(a) of the Compact shall apply to naturalized citizens of Palau who have been actual residents there for not less than five years after attaining such naturalization and who hold a certificate of actual residence. Naturalized citizens of Palau who lack the requisite five years actual residence must apply for a U.S. visa to enter the United States and must meet the requirements for any other alien, both for immigrant and non-immigrant purposes. Individuals obtaining Palau citizenship by naturalization through investment or purchase of that citizenship do not acquire the U.S. immigration benefits of the Compact.

TRAVEL DOCUMENTATION: In order to enter the United States for the above purposes, citizens of Palau must possess an appropriate travel document. The Republic of Palau began issuing regular, official and diplomatic passports on December 9, 1994. Pending issuance by the Government of Palau of travel documents to all eligible citizens, for up to a period of two years from the date of entry into force of the Compact [that is up to October 1, 1996], Trust Territory of the Pacific Islands travel documents were accepted for purposes of identification and to establish

eligibility for admission into the United States, its territories and possessions. Certified copies of Palau birth certificates or Palau cards of identity were also accepted. Between October 1, 1994 - December 8, 1994, prior to the issuance of Republic of Palau passports, the Government of Palau issued Trust Territory of the Pacific Islands passports to Palau citizens, with a specific endorsement in the TTPI passport reflecting that the Government of Palau is satisfied that the individual is a citizen of Palau. The specific endorsement in the TTPI passport contained the following language: cover: no change; page 1: hand written notation: "see page 7"; page 2: the words "immigration officer" would be written in the first blank; page 3: no change; page 4: impression seal over photo would be that of the Republic of Palau instead of the Trust Territory of the Pacific Islands. Currently Palau Immigration has an impression seal which reads "Division of Immigration, Republic of Palau".

INS advises that effective October 1, 1996, TTPI passports are no longer recognized by INS as valid travel documents, i.e., passports. However, TTPI passports are recognized by INS as valid identity documents. The terms of the Compact of Free Association with Palau provide that they are not subject to the requirements of sec. 212(a)(7) regarding entry into the United States on a valid passport. Therefore, if a person bearing a TTPI passport were to attempt to enter the United States, INS would permit them to enter without a passport or visa provided INS was reasonably satisfied that the individual was a citizen of one of the Freely Associated States. No fee would be charged. INS does inform the bearer of the TTPI passport that they should go to the embassy or consulate of Palau in the U.S. to get a new passport before traveling abroad again.

ENTRY PERMIT FORM I-94, EMPLOYMENT AUTHORIZATION CARD: At U.S. port of entry, Palau citizens will be issued INS form I-94 (arrival/departure card) on which INS will add a notation [CFA/PAL] reflecting that the person is from the Republic of Palau. No employment authorization stamp will be annotated to the form I-94. The Palau citizen must then complete INS form I-765 in order to be issued INS form I-688b (employment authorization document). There is no fee for the I-765 or I-688b which is valid for one year. Palau citizens may apply for renewal of the I-688b at the INS office with jurisdiction over their place of residence in the U.S. There is no renewal fee. If the I-688b is lost, however, there is a seventy dollar replacement fee.

SOCIAL SECURITY CARD: In order to work in the United States, a Palau citizen must obtain a U.S. Social Security Card from the nearest U.S. Social Security office. Since Palau citizens do not have immigrant visas or labor certifications, they must present evidence of age, identity and citizenship in a Compact of Free Association state [e.g., evidence of citizenship of Palau (TTPI or Palau passport) or an I-94 with appropriate INS annotation [CFA/PAL]. [SSA:RM 00203.420 a & b; basic (tn 16) 6/91 amended; SSA reminder to all SSA offices per SSA news dtd 2/14/95; see also SSA news dtd 10/17/94; GN 00303.400 and SI 00501.420.] On the SSN application (SS-5) item 3 (citizenship) should be checked "legal alien allowed to work". Employers may require presentation of the Social Security card and the I-688b.

PERMANENT RESIDENCE/ADJUSTMENT OF STATUS: "Habitual residence" status is not residence for the purposes of naturalization as a U.S.

citizen. Citizens of Palau will need a U.S. immigrant visa to gain permanent residence in the United States for the purposes of immigration. If already in the United States, citizens of Palau, if married to a U.S. citizen or permanent resident alien or otherwise qualifying under conditions for any other immigrant status, may apply for adjustment of status at the INS office with jurisdiction over their place of residence. As noted, permanent residence status is not required for Palau citizens to live, work, study or assume habitual residence in the U.S.. Lawful permanent residence, requiring a U.S. immigrant visa, is necessary should the Palau citizen eventually wish to apply for naturalization as a U.S. citizen.

U.S. IMMIGRATION REQUIREMENTS FOR PALAU DIPLOMATS: In order to ensure that accredited diplomats are properly identified, despite the general U.S. immigration benefits of the Compact, Republic of Palau diplomats should continue to be admitted in the classification to which they would be entitled were they in possession of a diplomatic visa, e.g., A-1, a-2. The immigration benefit of the Compact applies regardless of whether the bearer has a diplomatic, official or regular Palau passport. [INS wire CO dtd 12/19/86, supplemented to reflect applicability to Palau.]

U.S. CONSULAR ASSISTANCE ABROAD: Section 128 of the Compact provides that at the request of the Government of Palau and subject to the consent of the foreign country, the United States shall extend consular assistance on the same basis as for U.S. citizens to citizens of Palau. A formal request from Palau to the U.S. Secretary of State was made for assistance to be provided on a world-wide basis. All foreign embassies in Washington, D.C. were notified of this obligation on in a diplomatic note from the U.S. Secretary of State, in accordance with Article 8 of the Vienna Convention on Consular Relations. U.S. consular officers also provide assistance to Palau citizens in connection with extension and renewal of TTPI passports [and Palau passports, once such documents are issued by the Government of Palau]. These services are available when the Republic of Palau has no diplomatic or consular representation in a foreign country. [94 State 264932 ALDAC dtd 9/29/94.]

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